

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27538 of 2025

Arising Out of PS. Case No.-95 Year-2024 Thana- BHIMPUR District- Supaul

Rupesh Kumar S/o- Ramfal Yadav Village- Amrori @ Amrohi Ps- Fulkaha
Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Bhimpur P.S. Case No. 95 of 2024, dated 13.08.2024, lodged under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, total recovery of 162 litres of illicit liquor has been made, which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel further submits that there are series of motorcycles involved in the present case but from the petitioner's motorcycle recovery of only 81 litres of illicit liquor has been made. It is further submitted that the petitioner had given his motorcycle to a co-villager for some emergency work and was completely unaware



that it was being used for such illegal activities. The person who took the motorcycle is involved in the case, not the petitioner. Counsel also submits that the petitioner's criminal antecedent is not clean, as one criminal case is pending against him. However, the petitioner undertakes that in future he shall be more cautious and ensure that such mistake does not occur again.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the criminal antecedent of the petitioner is not clean.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby **rejected**.

7. It is directed to the petitioner to surrender before the Trial Court within a period of 4 weeks from today. In case, the petitioner surrenders within four weeks, then the Trial Court is directed to pass order on his surrender-cum-bail application on the same day without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J.)

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